

AGENDA ITEM XI-K

Consideration of the review and re-adoption of Board rules, Chapter 21, in accordance with Texas Government Code, Section 2001.039, and simultaneously proposing the repeal of current sections and proposing new sections concerning the implementation and administration of various financial aid programs (First Consideration)

RECOMMENDATION: Review and re-adopt sections listed below, simultaneously proposing the repeal of current sections and proposing new sections

1. Review and re-adopt Board rules in accordance with Texas Government Code, Section 2001.039, and simultaneously propose the repeal of Sections 21.401-21.410 and propose new Sections 21.401-21.408, concerning the Texas College Work-Study Program
2. Review and re-adopt Board rules in accordance with Texas Government Code, Section 2001.039, and simultaneously propose the repeal of Sections 21.281-21.288 and propose new Sections 21.281-21.287, concerning the Good Neighbor Scholarship Program
3. Review and re-adopt Board rules in accordance with Texas Government Code, Section 2001.039, and simultaneously propose the repeal of Sections 21.950-21.960 and propose new Sections 21.950-21.960, concerning the Early High School Graduation Scholarship Program
4. Review and re-adopt Board rules in accordance with Texas Government Code, Section 2001.039, and simultaneously propose the repeal of Sections 21.990-21.999 and propose new Sections 21.990-21.994 concerning the Texas National Student Exchange Program
5. Review and re-adopt Board rules in accordance with Texas Government Code, Section 2001.039, and simultaneously propose the repeal of Sections 21.1080-21.1089 and propose new Sections 21.1080-21.1089, concerning the Educational Aide Exemption Program

Summary:

Section 2001.039 of the Texas Government Code requires that each rule adopted by the Board after September 1, 1997, be reviewed within four years of the date it was adopted and every four years thereafter to assess whether the reason for adopting the rule continues to exist.

Notice of the proposed re-adoption of the sections listed above were filed on February 10, 2004, and appeared in the February 20, 2004, issue of the Texas Register. No comments were received concerning the re-adoption of these sections.

The reasons for the rules in these sections continue to exist because the Coordinating Board continues to have statutory responsibilities relating to all institutions of higher education in regard to issues covered by these rules. The staff therefore recommends re-adoption; however, staff also recommends that the current sections for these rules be repealed and is proposing new sections.

1. New Sections 21.401-21.408, concerning the Texas College Work-Study Program, would incorporate the general provisions regarding state grant and scholarship programs (currently Chapter 22, Subchapter A) into the rules so that they would be a complete, stand-alone document. The new sections would clarify the source of the Board's authority to administer the program, add definitions to increase consistency in the interpretation of program rules and procedures, state the Board's authority to penalize institutions failing to meet program requirements and provide institutions more detail regarding Board procedures in allocating and reallocating funds.
2. New Sections 21.281-21.287, concerning the Good Neighbor Scholarship Program, would state the Board's authority to administer the program, and clarify Board administrative procedures and the value of awards received through the program.
3. New Sections 21.950-21.960, concerning the Early High School Graduation Scholarship Program, would incorporate institutional eligibility requirements comparable to those found in rules for other state grant and scholarship programs. The new sections would state the Board's authority to penalize institutions failing to meet program requirements and provide institutions more detail regarding Board procedures in processing application and requests for reimbursement.
4. New Sections 21.990-21.994, concerning the Texas National Student Exchange Program, would more specifically reflect the statute authorizing public general academic teaching institutions to contract with National Student Exchange and participate in that organization's exchange program. The new sections would reflect simply the restrictions and authorities noted in statute. Other details regarding program operations should be acquired by the institution from the National Student Exchange.
5. New Sections 21.1080-21.1089, concerning the Educational Aide Exemption Program, would include additional definitions to clarify policies and program requirements; additional details (similar to details in other state program rules) regarding the responsibilities of participating institutions; and additional details regarding Board operations; and a new statement describing the statutory exemption from student teaching for program participants.

Purpose:

The proposed new sections for would consolidate program information and provide institutions a deeper understanding of program policies and procedures. In addition, the proposed new sections for the Texas National Student Exchange Program would more clearly reflect permissions granted through the enabling legislation.

Impact (including fiscal):

No fiscal impact is anticipated.

Advisory Committee Statement:

The Advisory Committee has not had an opportunity to review these rules.

Legal Consideration:

Approved by the Office of General Counsel _____ Date: _____